

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

| | | |
|-------------------------|---|---------------------|
| DAVITA M. KEY, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | Civil Action No. |
| |) | 2:19-CV-767-ECM-SMD |
| DYNAMIC SECURITY, INC., |) | |
| |) | |
| Defendant. |) | |

**DECLARATION OF JAMES ROBERTS
IN SUPPORT OF PETITION FOR THE AWARD OF ATTORNEYS' FEES
AND EXPENSES**

1. My name is James Roberts. I have personal knowledge of the facts in this declaration. I swear under penalty of perjury, pursuant to 28 U.S.C. § 1746 that the following is true and accurate to the best of my knowledge.

2. I am an attorney licensed to practice law in the State of Alabama. I have been licensed since 1988. I am a December 1987 graduate of The University of Alabama Law School.

3. From 1987 to 1993, I was an associate and later a partner at Sirote & Permutt, PC where I served as counsel for BASF, Westinghouse, Prudential Insurance, Coleman Research Corporation, Mevatech Corporation, and other corporate clients.

4. In 1993, I started the firm of Townes, Woods, & Roberts, PC, where I represented plaintiffs and defendants in personal injury cases and other legal matters. In 2012, I started The Jim Roberts Law Firm, LLC, where I am a solo practitioner. I am still practicing solo today representing both plaintiff and defendants. My compensation structure varies depending on the nature of the case with all my plaintiff's work compensated on a contingent basis.

5. I was appointed as a special master in complex litigation by Judge David Proctor in the Northern District of Alabama more than a decade ago, where I was compensated at a rate of \$400.00 per hour. Considering adjustments for inflation, the fee for that service today would exceed \$500.00 per hour.

6. I am aware that the prevailing rate for attorney's fees in fee shifting cases in the federal courts in Alabama range from \$375.00 to \$650.00 per hour, depending on the skill and experience of the litigator.

7. I have known Leslie Palmer for a number of years and have worked with her as co-counsel on a number of cases over the years. In 2015, I took a Title VII retaliation case to a jury trial in the Northern District of Alabama. (2:11-CV-3568-VEH *Crane v. Loretta E. Lynch*, in her official capacity as Attorney General of the United States Department of Justice) with Leslie Palmer as my second chair. I found her knowledge of employment law to be exceedingly helpful in the case. Throughout her career, I found her a competent and skilled trial advocate.

8. I am aware that Leslie Palmer has been practicing for nearly twelve years and has run her own law firm for the entirety of her career. I am of the opinion, from my own experience, that because Leslie has been running her own practice, she has gained more and better experience than a typical 12-year attorney.

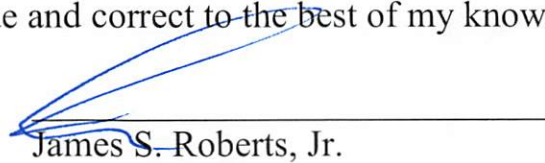
9. I can speak highly of Leslie's legal reputation, and I do not hesitate to refer cases to her, or otherwise bring her in as co-counsel. She is extremely knowledgeable in employment matters with a great understanding of the law. I have represented both employees and employers in litigation and have consulted with Leslie Palmer regarding representation of employers at the EEOC.

10. I have reviewed the hourly rate requested by Leslie Palmer of \$400.00 and affirm that based on her experience and expertise, that is a reasonable rate in keeping with the prevailing market rate of similarly skilled and experienced employment law attorneys practicing in federal courts in Alabama. I have reviewed her time records and affirm that the time claimed is reasonable for a case of this nature.

11. Federal courts within Alabama have awarded attorneys with "over ten years of experience," a rate of \$375 per hour. *Parker v. Healthcare Invest. Group, Inc.*, 272 F. Supp. 3d 1303, 1311-12 (N.D. Ala. 2017). The courts have awarded more experienced attorneys \$500.00 per hour and set the low end of the rates at \$250.00 per hour. *See Mercer v. Ala. Dept. of Trans.*, 2020 US Dist. LEXIS 160196 (Sept.

2, 2020) (adopting the report and recommendation in part finding that \$500.00 per hour for retired District Judge U.W. Clemon is a reasonable rate due to his extensive expertise, while \$250.00 per hour was reasonable for an attorney with *some* experience but trying his first Plaintiff's employment case because "\$250 falls at the low end of the range for litigation of this type and complexity.")

I have read the above and it is true and correct to the best of my knowledge.



James S. Roberts, Jr.

Date: March 28, 2024